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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,207	06/09/2005	Declan P Kelly	NL021342	3570
24737	7590	12/15/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, MY XUAN	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/538,207

Applicant(s)

KELLY ET AL.

Examiner

My X. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The submission of the information disclosure statements on 06/09/2005 and 03/15/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner, with the exclusion of consideration for references US 2002/048224 A1 (Dygert), US 2001/052028 (Greenberg), DE 19916846A1 (Crull) and DE 19936720A (Kriete) (see attached PTO-1449).

In particular, US 2002/048224 A1 (Dygert) and 2001/052028 (Greenberg) are invalid US Patent PG Publication numbers and DE 19916846A1 (Crull) and DE 19936720A (Kriete) are submitted in a foreign language without a English translation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0156909 A1 (Harrington).

Regarding claims 1, 7, 15, 16, 26 and 28, Harrington discloses:

a system and method for relating Temporal Signals (which appear, for example, on a television broadcast, a VHS or Beta tape, CD-ROM, DVD, CD, memory stick of other medium) (Page 2 ¶ [0014]) wherein such a system and method is implemented on a wireless device and wireless communication devices (Page 3, ¶ [0016]), read as the claimed portable wireless device, the wireless device having a media drive and an application that reads and plays back content from a medium inserted in the media drive; and

a system and method which provides server-side control of a Flash movie playing on a client device (Page 2, ¶ [0015]), read as the claimed service that communicates with the wireless device via a wireless network, the service providing control commands to the application program for controlling playback of content from the medium when inserted in the media drive.

Regarding claim 2, Harrington discloses the portable wireless device is a mobile phone (Page 5, ¶ [0042]).

Regarding claims 3, 8 and 27, Harrington discloses the media drive is one selected from the group of optical disc drive, magnetic disc drive and a flash memory card interface.(Page 2, ¶ [0014]).

Regarding claims 4 and 17, Harrington discloses the service is provided from a website that interfaces with the wireless network via the Internet (Page 2, ¶ [0014]).

Regarding claims 5, 10, 19, 22 and 29, Harrington discloses server-side control of a Flash movie playing on a client device (Page 2, ¶ [0015]), read as the claimed control commands provided by the service control at least one of the selection and order of content played back from the medium.

Regarding claims 6, 11-14, 23, 31 and 32, Harrington discloses advertising is created and delivered in a targeted and individualized manner and allows customers to make more informed choices and spontaneous choices (Page 3, ¶ [0017]), read as the claimed the service downloads advertisements to the wireless device and also provides control commands to the application to play the advertisements along with playback of content from the medium.

Regarding claim 9, Harrington discloses client device 112 provides capabilities of identifying, locating, retrieving and presenting Flash movies (Page 5, ¶ [0043]), read as the claimed medium contains at least one of audio content and video content.

Regarding claims 18 and 30, Harrington discloses a playlist timeline and associated commands are related to a programming signal in order to synchronize the Flash movie on a client device with the programming signal (Page 6, ¶ [0053]), read as the claimed control commands are generated using an identification of the content of the medium received by the service from the portable wireless device.

Regarding claims 20, 21, 24 and 25, Harrington discloses a user may *subscribe* to a stock-ticker data feed (Page 9, ¶ [0071]), read as the control commands are generated using an identification of the user received by the service from the portable wireless device and further read as the claimed identification of the user is used by the service to retrieve a preference of the user from memory.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

U.S. Patent 6,128,255 (Yankowski) discloses a method for building playlist.

U.S. Patent 7,133,924 B1 (Rosenberg et al.) discloses a personalized audio system and method.


U.S. Patent 6,587,127 B1 (Leeke et al.) discloses a content player method and server with user profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My X. Nguyen whose telephone number is (571) 272-2835. The examiner can normally be reached on Monday through Friday at 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.X.N.
12/11/2006


CHARLES APPIAH
PRIMARY EXAMINER